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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written Statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1996]

1. The International Federation of Leagues of Human Rights (FIDH) and its affiliate, the Viet Nam Committee on Human Rights, would like to congratulate Mr. Louis Joinet and the Working Group on Arbitrary Detention once again for their outstanding report on Viet Nam (E/CN.4/1995/31/Add.4). However, the organizations remain disturbed by the subsequent measures implemented by the Vietnamese authorities throughout 1995 in regard to the administration of justice and arbitrary detention. Whereas the FIDH and the Viet Nam Committee welcomed the excellent initiative taken by the Socialist Republic of Viet Nam in inviting the Working Group in 1994 and perceived it as a sincere attempt to introduce a policy of transparency and human rights improvements in Viet Nam, the organizations were deeply disappointed by the Vietnamese Government's sudden and brutal policy reversal: In 1995, the Socialist Republic of Viet Nam embarked on a course which contradicted each and every one of the Working Group's basic recommendations.

Lack of transparency in the administration of prison establishments

2. The administration of prison establishments remains desperately opaque. Prisoners are often denied all possibility of receiving visits: Venerable Thich Tri Tuu, Venerable Hai Thinh and Venerable Hai Tang, arrested in June 1993 for their involvement in a peaceful demonstration of 40,000 Buddhists in Hue on 24 May 1993, are denied all contact with fellow monks. Venerable Tri Tuu and Venerable Hai Thinh are detained alongside dangerous common criminals in Section B of Ba Sao Reeducation Camp, and Venerable Hai Tang is in P4 Camp, near Hanoi. Food and medicine parcels sent by prisoners' families are frequently confiscated by the prison authorities. Venerable Thich Quang Do, Secretary-General of the Unified Buddhist Church of Viet Nam (UBCV) currently detained in Ba Sao reeducation camp, has not been allowed to receive food and medicine parcels sent by his family, despite his poor state of health. The FIDH and the Viet Nam Committee fear that this lack of transparency may in fact be a deliberate policy to silence the protests of political prisoners. Pham Van Thanh, arrested in March 1993 and sentenced to 12 years' hard labour, described inhuman detention conditions in A 20 Camp, Phu Yen - one of the camps visited by the Working Group - and listed 127 political prisoners in need of medical care in a "white paper" which was smuggled out of the camp. Mr. Thanh and a hundred other political prisoners were transferred to camps in northern Viet Nam after they asked to meet the Working Group. Mrs. Thanh, who travelled from France to meet her husband in December 1995, was not allowed to see him.

No amendments of the Criminal Code in regard to crimes against national security

3. No measures have been taken so far to amend articles of the Criminal Code of the Socialist Republic of Viet Nam, which are incompatible with international standards. The definition of "crimes against national security" remains ambiguous, allowing leeway for dangerously arbitrary interpretation. Vietnamese, and even foreign nationals in Viet Nam live in permanent insecurity, never knowing when an act of legitimate peaceful expression may be branded as a crime. This ambiguity is particularly disturbing since it is evidently used by the Vietnamese authorities to reinforce suppression of political and religious dissent.

4. For example, national security offences were invoked against two eminent Buddhist scholars, Thich Tue Sy and Thich Tri Sieu, who were arrested in 1984. They are now serving 20 years' hard labour. At an unfair trial on 15 August 1995, charges of "sabotaging the policy of religious solidarity" led to convictions of three to five years' imprisonment for Thich Quang Do, Thich Khong Tanh, Thich Nhat Ban, Thich Tri Luc and lay-follower Nhat Thuong because they organized a relief mission for flood victims.

5. Only a few days earlier, a group of nine democratic activists led by Nguyen Dinh Huy received sentences of 4 to 15 years' for planning to organize a conference on economic development and democracy in Ho Chi Minh City in 1993. They were charged with "very serious violations of national sovereignty and national security". Even more recently, in December 1995, two communist intellectuals, Ha Si Phu and Le Hong Ha were arrested for holding and revealing State secrets. The document in question was a letter from Prime

Minister Vo Van Kiet to the Politburo debating issues at stake in the forthcoming Eighth Congress of the Vietnamese Communist Party. This document had circulated in Viet Nam and abroad for two or three weeks before the men's arrest. Ha Si Phu had previously made public statements in favour of wider democratization and an end to Marxism-Leninism. Le Hong Ha, former Interior Ministry Chief of Cabinet, had recently been expelled from the Communist Party for demanding that the Politburo officially apologize for the arbitrary arrest of 32 high-ranking cadres accused of "revisionism" (the Viet Nam Committee holds a list of these cadres at the Commission's disposal). The FIDH and the Viet Nam Committee further recall that the Working Group considered the wording of article 73 of the Criminal Code to be so vague (this also applies to the whole of Chapter I) that it could result in penalties being imposed not only on persons using violence for political ends, but also on persons merely exercising their legitimate right to freedom of opinion and expression, as in the case of the examples quoted above.

No relaxation of limitations or restrictions on the peaceful exercise of freedom of opinion

6. Articles 69 and 70 of the 1992 Constitution of the Socialist Republic of Viet Nam recognize the right to freedom of opinion, expression, assembly, association, peaceful demonstration and religion. In practice, however, the Vietnamese authorities systematically repress citizens who seek to peacefully exercise these legitimate rights.

7. The former Dean of the Hanoi Institute of Marxist-Leninist Philosophy, 77-year-old Hoang Minh Chinh, and 57-year-old Do Trung Hieu, a former high-ranking cadre in charge of religious affairs were arrested on 14 June 1995 and sentenced respectively to 12 and 15 months in prison for "taking advantage of democratic freedoms" by circulating papers "with malicious contents" and possessing "trumped up" documents. As the FIDH and the Viet Nam Committee informed the Sub-Commission in its written statement in August 1995, Do Trung Hieu was arrested after he criticized the Party's policy to suppress the Unified Buddhist Church of Viet Nam - a policy which he had helped to elaborate - and appealed for national reconciliation. Hoang Minh Chinh had circulated documents calling for the abolition of the Vietnamese Communist Party (VCP) monopoly and the instauration of democracy in Viet Nam. Another Communist dissident, Nguyen Ho, a party member for 56 years, was placed under close police surveillance and threatened with arrest in June 1995 for his criticisms of the VCP. He expressed surprise, for example, that the VCP was so swift to reconcile with former enemies such as the United States of America, whereas it refused to reconcile with its own people. He wrote: "Are dollars a condition for reconciliation?" Nguyen Ho is now under house arrest.

8. Dr. Nguyen Dan Que and Professor Doan Viet Hoat, both arrested in 1990, are respectively serving 20 years hard labour with five years' parole and 15 years' hard labour. The former, now detained in Z30A KB Camp, Xuan Loc province, called for democratic reforms in Viet Nam; the latter, now in Thanh Cam Camp, Thanh Hoa province, published four editions of a bulletin entitled "The Freedom Forum". Venerable Thich Huyen Quang, Patriarch of the UBCV, was arrested on 29 December 1994. He had been detained under house arrest since 1982 for alleged "anti-governmental activities". These activities consisted of public appeals for religious freedom and for government recognition of the

traditional UBCV. Venerable Thich Quang Do, arrested for his support of the UBCV relief mission mentioned above, was also charged with sending a 44-page criticism of Party policies to Secretary-General Do Muoi. Along with the four other Buddhists in the mission, Thich Quang Do was accused of "taking advantage of democratic freedoms to violate the interests of the State and social organizations".

9. Indeed, 1995 was characterized by the emergence of this new criminal charge "taking advantage of democratic freedoms to violate the interests of the State and social organizations". This vague, all-embracing charge has been systematically invoked to penalize political and religious dissenters in the exercise of their legitimate constitutional rights. It is an intolerable restriction on the right of freedom of opinion and expression.

10. The FIDH and the Viet Nam Committee find it truly unfortunate that, despite its formal commitments, the Socialist Republic of Viet Nam refuses to model its society upon the rule of law, and continues to disregard the observance of fundamental international standards. The organizations also profoundly regret that, this year at least, the Vietnamese authorities have taken no heed of the Working Group's suggestions that a second visit should be made to Viet Nam, or that an amnesty of long-term reeducation-camp detainees be granted in order to "promote the national reconciliation sought by the Government". The FIDH and the Viet Nam Committee consider the question of arbitrary detention in Viet Nam to be a matter of urgent priority, and urge the Commission on Human Rights to take firm and appropriate action.